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EXAMINER

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 10/802,701
Filing Date: March 17, 2004
Appellant(s): BLACKBURN ET AL.

Rodney Lacy
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 06/24/2009 appealing from the Office action mailed 08/22/2008.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The following are the related appeals, interferences, and judicial proceedings known to the examiner which may be related to, directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal:

10/813,653

11/068,065

10/562,411

10/788,903

10/788,661

10/788,902

10/789, 957

10/794,723

10/794,422

10/796,562

10/802,700

10/802,699

10/802,537

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

U.S. Patent 6,916,247	Gatto et al.	4-2002
U.S. Patent Application 2003/0208638	Abrams, Jr. et al	7-2002
U.S. Patent Application 2004/0087367	Hendrickson	10-2002

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 103

1. Claims 1-24 are rejected under 35 U.S.C. 103 (a) as being unpatentable over Gatto et al (US 6916247) in view of Abrams, JR. et al (US 2003/0208638) and Hendrickson (US 2004/0087367).

Gatto '247 discloses a method and system for providing a service in a gaming network including gaming machines (Col. 2, Lines 37-45); publishing the availability of the service on the gaming network (Col. 13, Lines 64-67) (Fig. 19); discovering by a client the availability of the service (Col. 14, Lines 2-5) (Fig. 20); processing one or more service requests between the client and the time service (Col. 14, Lines 21-24), said service requests conforming to an internetworking protocol (Col. 15, Lines 9-13); that the service comprises a web service (Col. 15, Lines 49-56); that the service request is formatted according to a service description language, that the service description language is a Web Services Description Language (WSDL), that the service is registered in a UDDI registry (Col. 15, Lines 33-67); registering by the time service with a discovery agent (Col. 13, Lines 60-67); that the service is a local service in the gaming network (Col. 14, Lines 33-55); that the service is provided at a well known location, the well known location comprises a TCP/IP address and port (Col. 3, Lines 20-24); that the well known location comprises a message queue (Col. 15, Lines 63-67); that the client comprises a gaming machine on the gaming network (Col. 2, Lines 37-45); and that the client comprises a service provider on the gaming network (Col. 2, Lines 37-45); determining by the discovery agent if the time service is authentic and authorized (Col. 2, Lines 59-61; Col. 8, Lines 61-64; Col. 10, Lines 55-63; Col. 13, Lines 8-22); and a web service (Col. 15, Lines 50-56; Col. 16, Lines 15-22). However, Gatto does not disclose that the service is a time service; returning a current time to the service provider; acquiring by the time service a current time from a time server, a wager at the gaming machine of the plurality of gaming

machines causes a depicting indicia representative of a randomly selected outcome of a wagering game.

Abrams '638 does disclose that the service is a time service, returning a current time to the service provider, and acquiring by the time service a current time from a time server (paragraph [0152]).

Hendrickson discloses a service for storing data from a plurality of gaming machines, wherein a wager at a gaming machine of the plurality of gaming machines causes a depicting indicia representative of a randomly selected outcome of a wagering game (Fig. 1; paragraph [0030]).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to integrate the time service as disclosed by Abrams, Jr. and displaying indicia representative of the outcome of a wagering game as taught by Hendrickson into the gaming system as disclosed by Gatto in order to create a more reliable and secure network gaming system. All the claimed elements were known in the prior art and one skilled in the art could have combined the elements as claimed by known methods with no change in their respective functions and the combination would have yielded predictable results to one skilled in the art at the time of the invention.

Regarding the additional amendments of "sending service information", "publishing service information to a service repository", receiving a request "for the location of the time service", "returning the service information for the time service",

and “using the service information for the time service”, it is disclosed in Gatto et al. of the use of Web Services using XML, SOAP, WSDL, and UDDI. Web services using these standardized technologies are well known in the art to implement the methods of publishing, discovering, and binding in order to supply the services to the clients. The UDDI registries include the locations of the service providers.

(10) Response to Argument

Appellants argue that Gatto ‘247 fails to teach or suggest authenticating and authorizing a service.

The Examiner disagrees with this suggestion and argument for the following reasons: Gatto discloses an authentication engine that contacts the Certificate Authority in an effort to “authorize a given operation” (See Col. 10, Line 59), Gatto further discloses the use of the authentication engine as including operations to authenticate devices’ operations and data integrity contained on the network (See Col. 10, Lines 44-52, Col. 12, Lines 16-22). Thus, Gatto discloses authenticating and authorizing a service.

Appellants argue that Gatto ‘247 fails to teach or suggest “determining by the discovery agent if the time service is authentic and authorized”.

The Examiner disagrees with this suggestion and argument for the following reasons: Firstly, a very basic concept taught by Gatto is ensuring that service updates between devices and a central server are authentic and authorized (See Col. 2, Lines 59-61, where a Certificate Authority is disclosed. See Col. 8, Lines 61-64 disclosing network communication means for enabling data exchange between the gaming

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machine and central server. See Col. 10, Lines 58-60, disclosing authorization of network operations. See Col. 13, Lines 8-22 disclosing that network components (gaming machines) may be controlled by components via LAN or WAN, wherein a module may offer network services for consumption by other modules. See Col. 13, Lines 64-67 where network devices broadcast packets indicating availability prior to entering into binding protocols in order to establish bi-directional communication with the server. See Col. 15, Lines 23-32 teaching loading of application software into network devices.), Secondly Gatto teaches a discovery agent on the gaming network that aids in the previously mentioned functionality (See Col. 15, Lines 54-56 teaching usage of UDDI technology to publish web services and enable software to search for and bind to available services). Thus, Gatto discloses a discovery agent that authenticates and authorizes services on a gaming network.

In response to applicant's argument that the examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971).

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(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

/Jason Pinheiro/

Examiner, Art Unit 3714

Conferees:

/Dmitry Suhol/

Supervisory Patent Examiner, Art Unit 3714

/Peter D. Vo/

Supervisory Patent Examiner, Art Unit 3714